

Absent—Excused

Phillips

The Senate accordingly at 4:55 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-THIRD DAY

(Continued)

(Tuesday, May 24, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Leave of Absence Granted

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator Proffer.

Senate Resolution 171

Senator Hudson offered the following resolution:

Whereas, The Senior Class of Pecos High School, Pecos, Texas, is on an educational tour, and is now in the Senate Gallery of the State Capitol; and

Whereas, The above group has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting, they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend a cordial welcome to these students and their teachers, and that a copy of this Resolution, under seal of the Senate, be forwarded to the Pecos, Texas, High School as evidence of this recognition.

The resolution was read and was adopted.

Senate Bill 486 on First Reading

Senator Colson moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit her introducing at this time, a bill, the provisions of which she explained.

The motion prevailed by the following vote:

Yeas—29

Akin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelly of Tarrant	

Absent

Kelley of Hidalgo

Absent—Excused

Phillips

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 486, A bill to be entitled "An Act authorizing the State Parks Board to repair, build or construct a dam or dams on the rivers or streams running through the Huntsville State Park for the purpose of impounding the waters thereof and forming reservoirs or lakes to be used for recreational and park purposes; providing that no such dam shall be repaired, built or constructed until a permit has been granted therefor by the State Board of Water Engineers; authorizing the State Parks Board to pay for the repairing, building or construction of such dam or dams and other permanent improvements; providing for the payment of same from the sale of timber from the lands comprising said Park; providing for the cutting and sale of such timber; providing for a special fund in which such moneys shall be placed; repealing all laws and parts of laws in conflict herewith; providing a savings clause; providing for the expenditure of such fund; and declaring an emergency."

To the Committee on Public Lands and Land Office.

Senate Resolution 172

Senator Corbin offered the following resolution:

Whereas, Nineteen pupils of the Dawson High School of Dawson County, Welch, Texas, are on an educational tour of the City of Austin; and

Whereas, This group, along with their sponsors, Mr. J. B. Williams, High School Principal, and Mrs. Marie Cornett, are present in the Senate Gallery today; now, therefore, be it

Resolved, By the Senate of Texas, That we bid them a hearty welcome, and that a copy of this resolution be forwarded to the principal and to each member of this group.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolution:

H. J. R. No. 36, Proposing an amendment to Article III of the Constitution of the State of Texas authorizing the Legislature of the State of Texas to provide for the establishment and creation of hospital districts; providing for the Governor's proclamation and submission to the electorate.

H. B. No. 207, A bill to be entitled "An Act providing for and fixing the salaries of the Justices of the Supreme Court, the Judges and the Commissioners of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas; repealing all laws in conflict with this Act; and declaring an emergency."

(With engrossed rider)

H. B. No. 461, A bill to be entitled "An Act amending Article 5845, R. C. S. of Texas, 1925, providing for medical aid and expenses to members of the military forces of this State who shall be wounded, disabled or injured while in service of this State; providing that this Act shall

also be applicable to persons who are injured while on active duty prior to 1940; making an appropriation to cover the expenses; providing this Act shall be severable; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 173

Senator McDonald offered the following resolution:

Whereas, We are honored today to have in the Gallery the Seniors of West Columbia High School, and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

McDONALD
PHILLIPS
BRACEWELL
MOFFETT

The resolution was read and was adopted.

Senate Resolution 174

Senator Lock offered the following resolution:

Whereas, There are in the Senate today the members of the graduating class of the Warren High School of Tyler County, Texas;

Whereas, There are accompanying these seniors, their sponsors, Mr. F. W. Watson, Superintendent of Schools of the Warren Schools, and Mrs. F. W. Watson; and

Whereas, The presence of the young people is an evidence of their interest in better citizenship and state affairs; and

Whereas, The members of the Senate are always glad to have the young members of their communities visit the Senate and observe the procedure here; now, therefore, be it

Resolved, That the Senate extend a hearty welcome to these Warren High School Seniors and their sponsors, and that each be forwarded a copy of this resolution under the seal of the Senate.

The resolution was read and was adopted.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
May 23, 1949.

TO THE MEMBERS OF THE 51ST LEGISLATURE:

It has been brought to my attention that certain taxes now collected by other methods could be collected more expeditiously, economically and accurately by the stamp affixation method, such as is now used for collection of the state cigarette tax.

The stamp method of collection would eliminate the necessity for retailers to make quarterly reports on the items in question, thus easing the burden on them and relieving the Comptroller's Department of much routine accounting now necessary. Other desirable results are predicted if this change is authorized by the Legislature.

Upon the assumption that any new system of collecting these taxes would conform generally with the Comptroller's recommendations as to method and practicability, and being informed that this matter is of sufficient importance to be considered by the 51st Legislature, I hereby submit it under authority of Section 5, Article III of the Constitution of Texas as a subject for emergency legislation.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Proffer submitted the following reports:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 917, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 923, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 828, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Moore submitted the following report:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred S. B. No. 486, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 51, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. C. R. No. 55, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 54, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 99, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 847, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 432, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 625, have had the same under consideration, and I am instructed

to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 343, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 776, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 924, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

Senator Ashley submitted the following report:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred House Bill No. 925, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ASHLEY, Chairman.

Senate Concurrent Resolution 59

Senator Colson offered the following resolution:

S. C. R. No. 59, Granting the Trini-

ty Lumber Company, the Drumm Commission Company, the J. Rosenbaum Grain Company, the Capitol Freehold Land and Investment Company, and the C. B. Livestock Company permission to sue the State.

Whereas, The corporations herein-after named, each and all being foreign corporations domiciled in the State set opposite their respective names, at various times between the years 1907 and 1919, each paid certain franchise taxes and filing fees to the State of Texas in the amounts set forth immediately following their respective names as follows:

1. Trinity County Lumber Company, domiciled in the State of Iowa;
Franchise taxes\$6,210.00
Filing fees 640.00

2. Drumm Commission Company, domiciled in the State of Missouri; such corporation having been succeeded by Andrew Drum Institute, domiciled in the State of Missouri, such latter corporation having succeeded to all rights and assets of Drumm Commission Company, including this claim and cause of action.
Franchise taxes\$3,272.00

3. J. Rosenbaum Grain Company, domiciled in the State of Illinois; such corporation having been succeeded by the Chesapeake Trust, domiciled in the State of Illinois, such latter Trust having succeeded to all rights and assets of J. Rosenbaum Grain Company, including this claim and cause of action.
Franchise taxes\$1,745.50
Filing fees 1,740.00

4. Capitol Freehold Land and Investment Company, a foreign corporation, such corporation having been succeeded by The Capitol Freehold Land Trust, domiciled in the State of Illinois, such latter Trust having succeeded to all rights and assets of Capitol Freehold Land and Investment Company, including this claim and cause of action.
Franchise taxes\$ 8,725.45
Filing fees 10,100.00

5. C. B. Livestock Company, domiciled in the State of Illinois.
Franchise taxes\$4,822.00

Whereas, Each of the above-named corporations maintains that the above-mentioned franchise taxes and filing fees were illegally and unlawfully exacted of them in the amounts shown above respectively; and

Whereas, None of such corporation have heretofore been able to file suit against the State of Texas, on such claims or to otherwise obtain payment thereof; now, therefore, be it

Resolved, by the Senate of Texas the House of Representatives concurring, that:

Each of the above-named corporations is hereby granted permission to sue the State of Texas to determine what amount of taxes and filing fee have been heretofore illegally exacted of such corporations respectively, and to recover judgment against the State of Texas for such amount so illegally and unlawfully exacted and collected of and paid by each of such corporations respectively, or their predecessors or successors.

It is especially understood that the purpose of this resolution is to grant the respective corporations named above and their successors, permission to sue the State of Texas, and nothing herein shall be construed as an admission of liability against the State and the facts upon which the respective plaintiffs may seek to recover must be proved as in any other case if not agreed to by the Attorney General upon trial of the case or cases.

Service of citation for the purpose herein granted may be had upon the State of Texas by serving the Attorney General of Texas and the Secretary of State of the State of Texas. Venue herein shall lie in any District Court of Travis County, Texas.

Permission to sue the State of Texas is granted severally to the various corporations listed above, but two (2) or more of such corporations may elect to bring suit together, and such shall not constitute a misjoinder of parties or causes of action.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

House Bills and Resolutions on First Reading

The following bills and resolution received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 207, to Committee on Finance.

H. B. No. 461, to Committee on Military and Veterans Affairs.

H. J. R. No. 36, to Committee on Constitutional Amendments.

H. C. R. No. 100, to Committee on Civil Jurisprudence.

Bills Ordered Not Printed

On motion of Senator Hudson, it was ordered that H. B. No. 923 be not printed.

On motion of Senator Harris, it was ordered that H. B. No. 924 be not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

S. B. No. 97, A bill to be entitled "An Act to amend Article 681, Title 20, Chapter 5 of the Revised Civil Statutes of 1925, and declaring an emergency."

(With amendments)

S. B. No. 106, A bill to be entitled "An Act to amend Articles 807 and 809 of Title 9, Chapter 4, Code of Criminal Procedure of the State of Texas; and declaring an emergency."

(With amendments)

S. B. No. 419, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 61, Acts of the Fifty-first Legislature, making an emergency appropriation for the Texas Prison System; and declaring an emergency."

H. B. No. 947, A bill to be entitled "An Act providing for an open season on fresh water fish in Medina Lake."

Respectfully submitted,
CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 319 on Passage to Third Reading

The President laid before the Senate as the unfinished business, H. B. No. 319 on its passage to third reading.

The bill having been read second time on yesterday with an amendment by Senator Harris pending.

Question—Shall the amendment be adopted?

Senator Taylor offered the following substitute for the amendment:

Amend House Bill 319, page 33, by adding a new section to be known as Section 7a, to read as follows:

"Section 7a. The Board of Regents of the University of Texas is hereby authorized and directed to establish a Medical Department of the University of Texas at such location, other than Galveston, Texas, as said Board of Regents may select, taking into consideration, but not limited to the following factors: clinical material, population centers, hospital facilities and available teaching personnel. There is hereby appropriated the sum of One Million Five Hundred Thousand (\$1,500,000.00) Dollars, or so much thereof as may be necessary for the fiscal year ending August 31, 1950, to be used for buildings, equipment, maintenance, salaries, operation and other contingent expenses of said Medical Department; for the fiscal year ending August 31, 1951, the unexpended balance of the above One Million Five Hundred Thousand (\$1,500,000.00) Dollars is reappropriated, and the additional sum of Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated for equipment, maintenance, salaries, operation and other contingent expenses. The Board of Regents is hereby authorized to accept grants, donations and gifts for the exclusive use and benefit of such Medical Department of the University of Texas."

TAYLOR
HARDEMAN
MORRIS

Senator Shofner offered the following amendment to the substitute:

Amend Taylor amendment by changing words and figures in line 12 of said amendment to read Five Hundred Thousand Dollars, rather than One Million Five Hundred Thousand Dollars.

Senator Hardeman moved to table the amendment to the substitute.

The motion to table prevailed by the following vote:

Yeas—20

Akin	Colson
Ashley	Hardeman
Bell	Hazlewood
Bracewell	Hudson
Carney	Jones

Kelley of Hidalgo	Morris
Kelly of Tarrant	Proffer
Lane	Strauss
McDonald	Taylor
Moffett	Tynan

Nays—9

Bullock	Martin
Corbin	Shofner
Cousins	Vick
Harris	Weinert
Lock	

Absent

Moore

Absent—Excused

Phillips

Senator Morris offered the following amendment to the substitute:

Amend substitute for Harris amendment by adding at the end the following:

"It is further provided that the Board of Regents of the University of Texas is hereby authorized to set aside for each medical student of State supported medical school the sum of \$2,500.00, who, upon securing his license to practice medicine, shall establish his residence and practice the profession of medicine for a period of five consecutive years in a community or town of less than 5,000 inhabitants, a sum equal to \$2,500.00."

Senator Taylor moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Ashley	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carney	Moffett
Colson	Proffer
Cousins	Shofner
Hardeman	Taylor
Harris	Tynan
Hudson	Weinert
Kelley of Hidalgo	

Nays—10

Akin	Martin
Bell	McDonald
Corbin	Moore
Hazlewood	Strauss
Jones	Vick

Absent

Morris

Absent—Excused

Phillips

Question then recurring on the substitute for the amendment, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—21

Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Cousins	Morris
Hardeman	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—8

Akin	Hazlewood
Bullock	Proffer
Corbin	Shofner
Harris	Vick

Absent

Moore

Absent—Excused

Phillips

Senator Taylor moved to reconsider the vote by which the substitute was adopted.

The motion to reconsider prevailed.

Question—Shall the substitute for the amendment be adopted?

Senator Harris then withdrew the amendment.

Senator Taylor offered the following amendment to the bill:

Amend House Bill 319, page 33, by adding a new section to be known as Section 7a, to read as follows:

"Section 7a. The Board of Regents of the University of Texas is hereby authorized and directed to establish a Medical Department of the University of Texas at such location, other than Galveston, Texas, as said Board of Regents may select, taking into consideration, but not limited to

the following factors: clinical material, population centers, hospital facilities and available teaching personnel. There is hereby appropriated the sum of One Million Five Hundred Thousand (\$1,500,000.00) Dollars, or so much thereof as may be necessary for the fiscal year ending August 31, 1950, to be used for buildings, equipment, maintenance, salaries, operation and other contingent expenses of said Medical Department; for the fiscal year ending August 31, 1951, the unexpended balance of the above One Million Five Hundred Thousand (\$1,500,000.00) Dollars is reappropriated, and the additional sum of Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated for equipment, maintenance, salaries, operation and other contingent expenses. The Board of Regents is hereby authorized to accept grants, donations and gifts for the exclusive use and benefit of such Medical Department of the University of Texas."

TAYLOR
HARDEMAN
MORRIS

The amendment was adopted.

On motion of Senator Taylor and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 319 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 319 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Akin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent

Moore

Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 175

Senator Morris offered the following resolution:

Whereas, Pupils of the 7th and 8th grades of the Heath Public Schools, in Rockwall County, Texas, are on an educational tour of the City of Austin; and

Whereas, This group, along with their sponsors, Mr. and Mrs. T. C. Seely, Mr. and Mrs. Homer Deweese, Mrs. Curtis Hall, Mrs. Luke Pinion, and Mrs. D. W. Beddingfield, are present in the Senate gallery today; now, therefore, be it

Resolved, by the Senate of Texas, That we bid them a hearty welcome, and that a copy of this Resolution be forwarded to the Superintendent and to each member of this group.

The resolution was read and was adopted.

House Bill 11 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 11, A bill to be entitled "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; etc., and declaring an emergency."

The bill was second time and was passed to third reading.

House Bill 11 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 11 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Akin	Kelley of Hidalgo
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick

Nays—3

Colson	Weinert
Kelly of Tarrant	

Absent

Moore

Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Kelly of Tarrant asked to be recorded as voting "nay" on the final passage of the bill.

Motion to Place House Bill 52 on Second Reading

Senator Cousins moved to suspend the regular order of business to take up H. B. No. 52 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Akin	Kelley of Hidalgo
Bell	Lane
Bracewell	McDonald
Corbin	Proffer
Cousins	Strauss
Harris	Tynan
Hazlewood	Vick
Jones	

Nays—13

Ashley	Martin
Bullock	Moffett
Carney	Morris
Colson	Shofner
Hardeman	Taylor
Hudson	Weinert
Lock	

Absent

Kelly of Tarrant	Moore
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Absent—Excused

Phillips

Senate Bill 253 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to engrossment:

S. B. No. 253, A bill to be entitled "An Act making an emergency appropriation for the equipment, support, maintenance and operation of The Texas State University for Negroes for the period beginning September 1, 1948, and ending August 31, 1949, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Motion to Place Senate Bill 253 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 253 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths of the vote of the members present):

Yeas—21

Akin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Proffer
Corbin	Shofner
Cousins	Tynan
Hazlewood	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—9

Carney	Lock
Hardeman	Morris
Harris	Strauss
Hudson	Taylor
Kelly of Tarrant	

Absent—Excused

Phillips

House Bill 705 on Second Reading

The President laid before the Senate as a special order for this hour on its second reading and passage to third reading (in lieu of Senate Bill No. 244, containing the same substance matter and set as a special order for this hour):

H. B. No. 705, A bill to be entitled "An Act creating a State Youth Development Council for the protection, care, and training of children and youth of the State and, among other things, defining its powers, duties, functions and relations with other agencies, officers, and courts, and their corresponding duties and powers; providing for certain criminal offenses related to the Act; containing a severability provision as to validity; repealing certain Statutes; fixing its effective date; and declaring an emergency."

The bill was read second time.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 3, Subsection (c) by striking out all of said Subsection (c) and inserting in lieu thereof the following:

"(c) 'Executive Committee' means the Chairman of the Council, the Executive Secretary of the Council and a third member to be elected by the Council from its membership."

Question—Shall the amendment be adopted?

Senate Bill 487 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Tynan:

S. B. No. 487, A bill to be entitled "An Act providing for an open season on fresh water fish in Medina Lake; providing for the size and number of fish which may be caught and

retained; providing a penalty; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

To the Committee on Game and Fish.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. C. R. No. 109, Memorializing the Postmaster General of the United States to issue a postage stamp commemorating the 75th anniversary of Texas Agricultural and Mechanical College.

H. C. R. No. 105, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 347.

H. C. R. No. 106, Granting each House permission to adjourn from Thursday, May 19, 1949, to Monday, May 23, 1949.

H. B. No. 209, A bill to be entitled "An Act to repeal Chapter 238, Senate Bill No. 62 of the General Laws passed by the Regular Session of the 43rd Legislature, also known as Penal Code, Article 430a, and as the 'Unauthorized Practice Act,' and declaring an emergency."

H. B. No. 274, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Blanco County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the District Court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act amending Section 1, Section 2, and Section 3 of House Bill No. 692, Chapter 319, Acts of the Regular Session of the 48th Legislature, fixing the time and terms of holding of the 51st Judicial District Court in the Counties of Tom Green, Irion, Schleicher, Coke and Sterling; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds and making them returnable to the next term of court in said

counties; validating the summoning of Grand and Petit Juries under this Act; and declaring an emergency."

H. B. No. 457, A bill to be entitled "An Act empowering all incorporated cities having a population in excess of three hundred and eighty thousand (380,000) to provide for the establishment of up to five (5) Corporation Courts; providing for the appointment of judges or recorders of such Courts; providing for the jurisdiction of such Courts; prescribing the powers of governing bodies of such cities with respect to such Courts, providing the procedure for such Courts; repealing all laws in conflict; providing a savings clause; and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act validating annexation proceedings in cities operating under the General Laws of Texas, having a population in excess of Five Thousand (5,000) inhabitants, according to the last preceding Federal Census; authorizing such cities to levy, assess, and collect taxes in annexed areas; providing this Act shall not apply to any city now involved in litigation or in which annexation of territory to such city is attacked in litigation within forty-five (45) days after the effective date of this Act; and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to amend Section 9 of Senate Bill No. 270, Acts, Regular Session, 46th Legislature, as amended by Chapter 87, Acts Regular Session, 48th Legislature, and Chapter 207, Acts, Regular Session, 49th Legislature, and Chapter 72, Acts, Regular Session, 50th Legislature, to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto, and Trinity Counties; and declaring an emergency."

H. B. No. 673, A bill to be entitled "An Act to amend Section I of Chapter 125, Acts of the Regular Session of the 41st Legislature, as amended, Chapter 70, Acts of the Regular Session of the 43rd Legislature and carried in the Revised Civil Statutes as Article 2039a, providing a means of serving civil process upon non-residents of this State, their agents, servants or employees, in any civil action or proceeding against such non-residents, their agents, servants or employees, growing out of any accident

or collision in which said non-residents, their agents, servants or employees may be involved while operating a motor vehicle or motorcycle in this State, and declaring an emergency."

H. B. No. 701, A bill to be entitled "An Act to provide for the registration of all anti-freeze sold in the State with the Commissioner of Agriculture, in accordance with certain standards; defining terms; providing the mechanics of registration; providing for the contents of labels on anti-freeze containers or cans; providing for the seizure of antifreeze that does not meet the standards set by the Act and by the Commissioner of Agriculture; providing for the administration of the Act by the Commissioner; providing certain offenses; providing a penalty; providing certain exceptions to the Act; providing a severability clause; and declaring an emergency."

H. B. No. 869, A bill to be entitled "An Act creating Trinity Bay Conservation District and prescribing its powers, duties and functions; providing means of annexing additional territory and the assumption by the enlarged district of the indebtedness of certain types of districts; abolishing two named drainage districts; providing for the cooperation of the conservation district with other public agencies and political subdivisions; containing a savings clause; and declaring an emergency."

C. S. H. B. No. 1, A bill to be entitled "An Act creating the Texas State Board for Eleemosynary Institutions, transferring to said Board the control and management of eleemosynary institutions of this State, providing for certain powers and duties of said Board, including the authority to employ a director, repealing all conflicting laws and parts of laws, and declaring an emergency."

H. B. No. 871, A bill to be entitled "An Act creating a Juvenile Court in counties having ten or more District Courts and having a Juvenile Board composed of the District Judges and County Judge of said County, providing for the hearing and disposition of cases of dependency, neglect, support, change of custody, adoption and contempt proceedings growing out of or ancillary to such cases and declaring an emergency."

C. S. S. B. No. 260, A bill to be entitled "An Act amending Chapter 61, Section 9, Acts 1929, 41st Legislature, 2nd C. S., page 100; as amended Acts 1943, 48th Legislature, page 482, Chapter 323, Section 1 (Article 881-a-9, Vernon's Revised Civil Statutes), so as to change the amount of filing fees to be paid annually by Savings Building and Loan Associations; and declaring an emergency."

S. B. No. 419, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 61, Acts of the Fifty-first Legislature, making an emergency appropriation for the Texas Prison System; and declaring an emergency."

C. S. S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries in civil cases, shall be denied or abridged on account of sex, and providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

H. C. R. No. 40, Granting T. E. Hall permission to sue the State.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Carney submitted the following report:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 487, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Recess

Senator Kelley of Hidalgo moved

that the Senate recess until 10:30 o'clock a.m. tomorrow.

Senator Vick moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion to recess until 10:30 o'clock a.m. tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—25

Akin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—5

Bell	Strauss
Corbin	Vick
Hazlewood	

Absent—Excused

Phillips

The Senate accordingly at 12:25 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-THIRD DAY (Continued)

(Wednesday, May 25, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Senate Bill 97 with House Amendments

Senator Kelly of Tarrant called S. B. No. 97 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate and the House amendments were read.